

REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

After entry of foregoing amendment, Claims 1-4, 6 and 8-31 remain pending in the present application. Claims 22-24 and 26 have been amended to address a cosmetic matter of form. No new matter has been added.

By way of summary, the Office Action presents the following issues: Claims 22-31 stand rejected under 35 U.S.C. §101.

REJECTION UNDER 35 U.S.C. § 101

The Official Action has rejected Claims 22-31 under 35 U.S.C. § 101 as allegedly being non-statutory.

In response to the outstanding rejection, Applicant has amended Claims 22-24 and 26 to recite a computer readable medium.

MPEP § 2106 discusses statutory subject matter in relation to data structures of a computer readable medium. Particularly, MPEP § 2106 provides,

a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory.

Thus, based on the clear language of this section, amended Claims 21-31 are statutory as they define functionality which is realized based on the interrelationship of the structure to the medium and recited hardware component.

Accordingly, Applicant respectfully requests that the rejection to Claims 22-31 under 35 U.S.C. § 101 be withdrawn.

CONCLUSION

If the Examiner believes that any additional formal matters need to be addressed in order to place this application for condition for allowance, the Examiner is respectfully requested to contact the undersigned by telephone at the Examiner's convenience.

Consequently, in view of foregoing amendment and remarks, it is respectfully submitted that the present application, including Claims 1-4, 6 and 8-31, is patentably distinguished over the prior art, is in condition for allowance, such action is respectfully requested at early date.

Respectfully submitted,


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